



Office of the Clerk  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
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Molly Dwyer, Clerk of Court

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November 10, 2008

## NOTICE AND OPPORTUNITY FOR COMMENT ON PROPOSED AMENDMENTS TO THE CIRCUIT RULES

Pursuant to 28 U.S.C. § 2071(b), comments are invited on the proposed additions to the following advisory committee notes to the rules. Please direct comments to Molly C. Dwyer, Clerk of Court at [Molly.Dwyer@ca9.uscourts.gov](mailto:Molly.Dwyer@ca9.uscourts.gov) and Cole Benson, Supervising Deputy, [Cole.Benson@ca9.uscourts.gov](mailto:Cole.Benson@ca9.uscourts.gov) on or before **December 10, 2008**.

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### Advisory Note to Rule 27-1(7), Request for Judicial Notice

(7) ***Requests for Judicial Notice:*** Requests for judicial notice and responses thereto filed during the pendency of the case are retained for review by the panel that will consider the merits of the case. The parties may refer to the materials the request addresses with the understanding that the Court may strike such references and related arguments if it declines to grant the request.

***Purpose of addition:*** To memorialize existing court practice and thereby eliminate the need for ministerial orders referring notices to the panel.

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### Advisory Note to Rule 27-3, Emergency/Urgent Motions

\_\_\_\_\_(3) ***Appropriate Application of Rule:*** The provisions of Rule 27-3 are intended to be employed in instances where the absence of a response from the court by a date certain would result in irreparable or significant harm to a party, e.g., a motion to reinstate an immigration petition where petitioner faces imminent removal or to stay enforcement of a district court order. The provisions of the rule are not intended for application to requests for procedural relief, e.g., a motion for an extension of time to file a brief.

Cross-reference: Advisory Committee Notes to Rules 31-2.2 and 32-2.

***Purpose of addition:*** Clarify intent of rule.